

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: Between March 5, 1947, and January 5, 1948. Default decrees of condemnation and destruction.

12412. Misbranding of Cosco Esterex. U. S. v. 2 Bottles * * *. (F. D. C. No. 21412. Sample No. 53534-H.)

LABEL FILED: November 4, 1946, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about August 31, 1945, by the C. O. & W. D. Sethness Co., from Chicago, Ill.

PRODUCT: 2 1-gallon bottles of Cosco Esterex at Nashville, Tenn. Analysis showed that the product contained about 17 percent of monochloroacetic acid.

LABEL, IN PART: "Cosco Esterex * * * Buffered Aqueous Solution of Monochloroacetic Acid and its Selected Esters, Salt and Glycerine. Directions for Stabilizing Purposes: Use ½ Ounce to Each Gallon of Bottling Syrup, or to 6 Gallons of Finished Drink."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article was misleading, since the trade mark "Esterex," coupled with the directions for use, represented to purchasers of the article that the article was wholesome and suitable for use as a component of beverages for man, whereas the article contained about 17 percent of monochloroacetic acid, which is a poisonous and deleterious substance; and the labeling failed to reveal the material fact in the light of said representations made thereon that the article contained a poisonous and deleterious substance.

DISPOSITION: January 7, 1947. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS*

12413. Adulteration of bread. U. S. v. Louis A. Handlovsky (Sanitary Bakery Co.). Plea of guilty. Fine of \$75 and jail sentence of 6 months. (F. D. C. No. 21572. Sample Nos. 50952-H, 50954-H, 73301-H.)

INFORMATION FILED: February 24, 1947, Western District of Wisconsin, against Louis A. Handlovsky, trading as the Sanitary Bakery Co., at Superior, Wis.

ALLEGED SHIPMENT: Between the approximate dates of March 6 and October 16, 1946, from the State of Wisconsin into the State of Minnesota.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, mites, and rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 2, 1947. A plea of guilty having been entered, the defendant was fined \$75 and sentenced to 6 months' imprisonment. The jail sentence was suspended and the defendant was placed on 1 year's probation. On November 25, 1947, however, the suspended sentence was revoked, and the defendant was committed to the custody of the United States marshal.

12414. Adulteration of bread, rolls, and doughnuts. U. S. v. Huber Baking Co., a corporation. Plea of guilty. Fine, \$350. (F. D. C. No. 24045. Sample Nos. 66279-H, 92521-H, 92523-H, 92527-H, 92528-H, 99981-H, 99982-H.)

INFORMATION FILED: December 24, 1947, District of Delaware, against the Huber Baking Company, a corporation, Wilmington, Del.

ALLEGED SHIPMENT: On or about August 2, 4, 8, and 9, 1947, from the State of Delaware into the States of New Jersey and Pennsylvania.

LABEL, IN PART: "Sunbeam Doughnuts * * * 6 Doughnuts," "Huber's Sunbeam Rolls Net Wt. 15 Ozs.," or "Huber's Sunbeam Enriched Bread." One shipment of rolls was unlabeled.

*See also No. 12570.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect parts and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 24, 1947. The defendant having entered a plea of guilty on all 7 counts, the court imposed a fine of \$50 on each count, a total fine of \$350.

12415. Adulteration of fruit cake. U. S. v. Karl Baking Co., Hyman Sherman, and Max Tabachnik. Pleas of nolo contendere. Fine, \$500. (F. D. C. No. 22069. Sample Nos. 54349-H, 54350-H.)

INFORMATION FILED: May 7, 1947, District of New Jersey, against the Karl Baking Co., a partnership, Newark, N. J., and Hyman Sherman and Max Tabachnik, partners.

ALLEGED SHIPMENT: On or about September 11 and 23, 1946, from the State of New Jersey into the State of North Carolina.

LABEL, IN PART: "Dumbarton Oaks Rum and Brandy Fruit Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of beetles, larvae, ants, and insect fragments.

DISPOSITION: December 15, 1947. Pleas of nolo contendere having been entered, a fine of \$500 was imposed against the defendants.

12416. Adulteration of Peanut Butter Dots and Peanut Butter Cheese Sandwiches. U. S. v. 91 Cartons, etc. (and 2 other seizure actions). (F. D. C. Nos. 23145 to 23147, incl. Sample Nos. 65985-H, 65986-H, 65990-H, 65992-H.)

LIBELS FILED: Between May 28 and June 6, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about April 22 and 29, 1947, by Rite Bite Food Products, from Philadelphia, Pa.

PRODUCT: 23 cartons of Peanut Butter Dots and 68 cartons of Peanut Butter Cheese Sandwiches at Lambertville, 44 cartons of Peanut Butter Cheese Sandwiches at Toms River, and 33 cartons of Peanut Butter Dots at Margate City, N. J. Each carton of both products contained 24 1-ounce packages.

LABEL, IN PART: "Rite Bite Food Products Peanut Butter Dots," or "Rite Bite Peanut Butter Cheese Sandwiches."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence (Peanut Butter Dots) of rodent hairs and cat hairs and (Peanut Butter Cheese Sandwiches) of insect fragments and rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 27 and July 3, 1947. Default decrees of condemnation and destruction.

12417. Adulteration and misbranding of cracker sandwiches. U. S. v. 18 Boxes * * *. (F. D. C. No. 23157. Sample No. 65996-H.)

LIBEL FILED: June 3, 1947, District of Delaware.

ALLEGED SHIPMENT: On or about May 12, 1947, by the Elite Sandwich Company, from Penns Grove, N. J.

PRODUCT: 18 boxes, each containing 50 1¼-ounce packages, of cracker sandwiches at Wilmington, Del.

LABEL, IN PART: "Combination Peanut & Cheese Elite Crisp Cracker Sandwich Net Wt. 1¼ Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; Section 402 (a) (4), the cracker component of the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents. (The product was short of the declared weight.)

DISPOSITION: June 23, 1947. Default decree of condemnation and destruction.